

Message Text

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PAGE 01 WARSAW 04413 250910Z
ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 HA-05 VO-05 CIAE-00 INR-10
NSAE-00 CA-01 ICA-11 SS-15 NSC-05 SP-02 L-03 H-01
/084 W

-----110846 251341Z /47

R 250740Z MAY 78
FM AMEMBASSY WARSAW
TO SECSTATE WASHDC 5272
USMISSION USUN NEW YORK

C O N F I D E N T I A L WARSAW 4413

EO 11652GDS
TAGS: CSCE CGEN CVIS SHUM PL US
SUBJ: FREEDOM OF MOVEMENT/DIVIDED FAMILIES: POSSIBLE HIGH
LEVEL MEETING WITH POLISH FOREIGN MINISTER OR AMBASSADOR

REF: WARSAW 4121

1. FROM RECENT TRAFFIC, WE GATHER A REVIEW IS UNDERWAY IN WASHINGTON ON STRATEGY TO DEAL WITH THE FREEDOM OF MOVEMENT/DIVIDED FAMILY ISSUE. WE ALSO ASSUME A HIGH-LEVEL TALK COULD TAKE PLACE WITH EITHER FOREIGN MINISTER WOJTASZEK (NOW IN NEW YORK FOR THE SSOD) OR WITH AMBASSADOR SPASOWSKI BEFORE THE AMBASSADOR RETURNS TO WARSAW FOR CONSULTATIONS LATER THIS MONTH. WE SUBMIT THE FOLLOWING COMMENTS FOR USE IN DRAWING UP TALKING POINTS OR BRIEFING PAPERS TOUCHING ON THIS SUBJECT.

2. THE NUMBER OF PEOPLE DIRECTLY AFFECTED BY THE DIVIDED FAMILIES ISSUE MAKES IT IMPOSSIBLE FOR US TO IGNORE IT. IN ITS LATEST REVIEW OF THE STATISTICS, EMBASSY WARSAW COUNTED A TOTAL OF 1,086 DIVIDED FAMILIES CASES INVOLVING 3,165 PERSONS, WHICH HAD BEEN REPRESENTED TO THE FOREIGN MINISTRY AND REMAINED UNRESOLVED. IN ALL THESE CASES, POLISH CITIZENS SEEKING TO JOIN THEIR FAMILIES IN THE UNITED STATES HAD BEEN REFUSED POLISH PASSPORTS, WITH A CONSEQUENT HINDRANCE IN REUNIFICATION OF THE FAMILIES. THE FIGURES DO NOT INCLUDE THE AP-
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PROXIMATELY 95 CASES, INVOLVING ABOUT 200 PERSONS, WHICH WERE SOLVED BETWEEN PRESIDENT CARTER'S DECEMBER 1977, VISIT TO POLAND AND MAY 1. HOWEVER, THEY DO INCLUDE THE 125 CASES, INVOLVING 386 PERSONS, WHICH WERE REPRESENTED TO THE FOREIGN MINISTRY ON APRIL 7. THUS, THE TOTAL NUMBER OF CASES HAS RISEN SIGNIFICANTLY SO FAR THIS YEAR, AND THE ISSUE IS ATTRACTING MORE AND MORE ATTENTION IN THE US CONGRESS

AS WELL AS AMONG POLISH-AMERICANS AND THE PUBLIC AT LARGE.

3. WE RECOGNIZE THAT THERE WILL LIKELY BE DIFFERENCES BETWEEN POLISH AND AMERICAN STATISTICS ON THIS ISSUE. THAT IS ONE REASON THE EMBASSY SOUGHT POLISH AGREEMENT ON A WORKING LEVEL CONSULTATIVE MECHANISM FOR DIVIDED FAMILY CASES. IF THE GOP CONTINUES TO REJECT THIS APPROACH, IT MUST BE PREPARED TO SEE THE PRESIDENT'S SEMI-ANNUAL REPORT ON CSCE IMPLEMENTATION REFLECT USG STATISTICS. WE WOULD LIKE TO BE ABLE TO SAY IN THE REPORT THAT POLAND'S PERFORMANCES IN THIS ASPECT OF HUMAN RIGHTS IS IMPROVING. HOWEVER, WE ARE IN NO POSITION TO DO THIS IN VIEW OF THE GROWING NUMBER OF UNRESOLVED CASES.

4. CONTINUED FAILURE TO ACHIEVE PROGRESS WILL INCREASE THE PROBLEMS FACED BY THE EXECUTIVE BRANCH IN EXPLAINING TO THE CONGRESS AND THE PUBLIC, INCLUDING US POLONIA, WHY OUR COOPERATION WITH POLAND IN OTHER FIELDS SUCH AS AGRICULTURE, TRADE, FINANCE, SCIENCE AND TECHNOLOGY, AND CULTURE IS WORTHWHILE. ALL OF THE PROGRAMS FOR SUCH COOPERATION REQUIRE AT LEAST SOME DEGREE OF CONGRESSIONAL APPROVAL. MOREOVER, IN CONSIDERING EACH PROGRAM IT IS NORMAL FOR THE CONGRESS TO ENQUIRE CLOSELY INTO OTHER FACTORS IN THE OVERALL POLISH-AMERICAN RELATIONSHIP.

5. TWO OTHER ELEMENTS IN THE FREEDOM OF MOVEMENT/DIVIDED FAMILIES ISSUE ARE OF SPECIAL CONCERN TO US. ONE IS THE STATUS OF THE THREE CASES WHICH THE SECRETARY RAISED WITH THE FOREIGN MINISTER ON CONFIDENTIAL

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DECEMBER 30 IN WARSAW: JERZY STROJEK, MACIEJ BIEGUNSKI, AND MARIA KOTLARZ. WE ARE ENCOURAGED BY RECENT INDICATIONS THAT THE BIEGUNSKI CASE MAY FINALLY BE SOLVED. HOWEVER, THERE HAS STILL BEEN NO MOVEMENT ON THE OTHER TWO. THE STROJEK MATTER IS WELL-KNOWN TO THE POLISH GOVERNMENT. WE CONSIDER THIS A PARTICULARLY SERIOUS CASE. THE LIVES AND PLANS OF THE PEOPLE INVOLVED HAVE BEEN DISRUPTED FOR SOME THREE YEARS, AND THEY STILL HAVE BEEN GIVEN NO INDICATION WHEN OR IF THEY WILL BE PERMITTED TO TRAVEL TOGETHER TO THE UNITED STATES. CONGRESSIONAL CONCERN OVER THIS CASE WILL CONTINUE TO GROW AS LONG AS IT REMAINS UNRESOLVED. WITH THIS BACKGROUND IN MIND, WE HOPE THAT STROJEK WILL SOON BE PERMITTED TO TRAVEL TO THE UNITED STATES WITH HIS WIFE. WITH REGARD TO MARIA KOTLARZ, THE EMBASSY HAS JUST SENT THE FOREIGN MINISTRY A NOTE WHICH OUTLINES THE USG POSITION THAT THE EXCHANGE OF NOTES APPENDED TO THE 1972 US-POLISH CONSULAR CONVENTION APPLIES IN THIS CASE. WE HOPE THE GOP WILL ACCEPT THIS POSITION, AND THAT MARIA KOTLARZ, AN AMERICAN CITIZEN, WILL BE ABLE TO RETURN TO THE UNITED STATES IN THE NEAR FUTURE.

6. THE OTHER ELEMENT WHICH ESPECIALLY CONCERNS US IS THE DENIAL OF POLISH VISAS TO AMERICAN CITIZENS SEEKING TO VISIT THEIR FAMILIES IN POLAND TEMPORARILY. THESE DENIALS, WHICH HAVE BEEN DISCUSSED WITH THE POLISH EMBASSY IN WASHINGTON, AND THE FOREIGN MINISTRY IN WARSAW,

ARE DISTRESSING BECAUSE THEY CONCERN CASES WHICH THE SIGNATORIES OF THE HELSINKI FINAL ACT OBLIGATED THEMSELVES TO CONSIDER IN A POSITIVE AND HUMANITARIAN SPIRIT. IN ADDITION, WE HOPE THE FACT THAT MANY OF THE PERSONS WHO HAVE BEEN REFUSED ARE OF JEWISH BACKGROUND DOES NOT REFLECT A DELIBERATE POLISH POLICY. IF THIS WERE TRUE, IT WOULD HAVE SERIOUS NEGATIVE IMPACT ON CONGRESSIONAL AND PUBLIC OPINION IN THE US.

7. IN DISCUSSING THIS SUBJECT, THE POLES MIGHT SEEK TO JUSTIFY POLISH VISA DENIALS BY CITING AMERICAN REFUSAL OF POLISH NON-IMMIGRANT VISA APPLICATIONS. ANY RESPONSE SHOULD NOTE THAT US LAW PROVIDES FOR VARIOUS KINDS OF VISAS, AND THAT MANY OF THOSE WHO WERE REFUSED VISITOR VISAS WOULD HAVE QUALIFIED FOR IMMIGRANT VISAS. FURTHERMORE, EVERY NON-IMMIGRANT VISA ISSUED TO A PERSON ACTUALLY INTENDING TO CONFIDENTIAL

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REMAIN IN THE US COULD LEAD TO ANOTHER DIVIDED FAMILY CASE AND THUS EXACERBATE AN ALREADY COMPLICATED PROBLEM. WE DO NOT SEEK TO MAGNIFY THIS PROBLEM, BUT WANT TO WORK TOGETHER WITH THE GOP TO BRING IT UNDER CONTROL.

8. THE POLES MIGHT ALSO ASSERT THAT OUR NON-IMMIGRANT VISA REFUSALS ARE A VIOLATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. A REPLY MIGHT STATE THAT THE UNIVERSAL DECLARATION STATES THAT PERSONS HAVE THE RIGHT TO LEAVE AND RETURN TO THEIR COUNTRIES, BUT NOT THAT THEY HAVE AN INHERENT RIGHT TO TRAVEL TO ANY SPECIFIC SECOND COUNTRY REGARDLESS OF THAT COUNTRY'S LAWS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPATRIATION, REFUGEES, MEETINGS, DEPENDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978WARSAW04413
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780221-0078
Format: TEL
From: WARSAW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780517/aaaaanxf.tel
Line Count: 148
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4d6e3096-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 WARSAW 4121
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 26 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2559602
Secure: OPEN
Status: NATIVE
Subject: FREEDOM OF MOVEMENT/DIVIDED FAMILIES: POSSIBLE HIGH LEVEL MEETING WITH POLISH FOREIGN MINISTER OR AMBASSADOR
TAGS: CGEN, CVIS, SHUM, PL, US, CSCE
To: STATE USUN NEW YORK
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/4d6e3096-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014